



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TRG

Docket No: 4232-99

19 January 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 19 January 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by Headquarters Marine Corps dated 17 November 1999, a copy of which is enclosed.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion that your request for a Good Conduct Medal should be denied. Additionally, your record does not contain a nonjudicial punishment for failing the run portion of the physical readiness test in the prescribed time. Therefore there is no action the Board can take to remove such a nonjudicial punishment from the record. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval

record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure



DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
3280 RUSSELL ROAD
QUANTICO, VIRGINIA 22134-5103

IN REPLY REFER TO:

1650

17 NOV 1999

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS (BCNR)

Subj: BCNR APPLICATION IN THE CASE OF [REDACTED]
[REDACTED]

1. As previously stated in our letter to Mr. [REDACTED] of July 18, 1996, he is not entitled to the Good Conduct Medal based on his records which reveal that he received two non-judicial punishments during his service in the U.S. Marine Corps from April 5, 1988, to April 4, 1992.
2. His first non-judicial punishment was on January 13, 1989, for use of Cocaine; and the second on February 24, 1990 for absence from appointed place of duty. Since the regulations require that his commencement date for the Good Conduct Medal be changed as of the date of the second offense and he did not serve the required 3 years of continuous active service from that date to the date of his release from active duty, he would not be entitled to the Good Conduct Medal.
3. A point of contact at MMMA is Mr. [REDACTED]

R.G. McCue

R.G. MCCUE

Head, Campaign & Service Awards
Section, Military Awards Branch
Personnel Management Division

by direction of
the Commandant of the Marine Corps